IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 3633 of 2007(G)

PETITIONER:

SAJ FLIGHT SERVICES (P) LTD.,
TC 35/803(2), VALLAKADAVUR P.O.,
TRIVANDRUM-695008, REPRESENTED BY ITS
DIRECTOR, SMT.MINI SAJAN.

BY ADV. SRI.MILLU DANDAPANI.

RESPONDENTS:
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1. **KERALA STATE ELECTRICITY BOARD,**
   REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVANAM,
   PATTOM PALACE PO, TRIVANDRUM- 695004.

2. **THE EXECUTIVE ENGINEER, KSEB,**
   ELECTRICAL DIVISION WEST, TRIVANDRUM.

3. **THE ASSISTANT ENGINEER,**
   ELECTRICAL SECTION, KSEB, SREEVARAHAM,
   TRIVANDRUM.

4. **THE DEPUTY CHIEF ENGINEER,**
   ELECTRICAL CIRCLE, KSEB, POWER HOUSE, TRIVANDRUM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE LETTER DTD. 10/12/2005 SUBMITTED BY PETITIONER BEFORE DEPUTY CHIEF ENGINEER (COMMERCIAL), KSEB, TRIVANDRUM.

EXT.P.2: COPY OF THE JUDGMENT DTD. 09/11/2005 OF FULL BENCH OF THIS HONOURABLE COURT IN W.A. NO. 538/2004.

EXT.P.3: COPY OF THE LETTER DTD. 31/12/2005 ISSUED BY AEE, CHACKAL TO PETITIONER.

EXT.P.4: COPY OF THE JUDGMENT DTD. 24/08/2006 OF THIS HONOURABLE COURT IN W.P.(C). NO. 2299/2006-W.

EXT.P.5: COPY OF THE PROCEEDING DTD. 22/09/2006 ISSUED BY EXECUTIVE ENGINEER, KAZHAKKUTTOM TO PETITIONER.

EXT.P.6: COPY OF THE INTIMATION DTD. 04/10/2006 MADE BY ELECTRICAL CONTRACTOR TO PETITIONER.

EXT.P.7: COPY OF THE ORDER DTD. 19/08/2005 ALONG WITH APPROVED DRAWING ISSUED BY THE CHIEF ELECTRICAL INSPECTOR, GOVERNMENT OF KERALA, TRIVANDRUM TO PETITIONER.

EXT.P.8: COPY OF THE INTIMATION DTD. 16/09/2006 ALONG WITH BILLS DETAILS ISSUED BY ELECTRIC CONTRACTOR TO PETITIONER.

EXT.P.9: COPY OF THE SUBMISSION DTD. 01/02/2007 MADE BY PETITIONER.

EXT.P.11: COPY OF THE LETTER DTD. 01/01/2007 SUBMITTED BY PETITIONER BEFORE DEPUTY CHIEF ENGINEER, KSEB, TRIVANDRUM.

EXT.P.12: COPY OF THE LETTER DTD. 26/06/2007 ISSUED BY DEPUTY CHIEF ENGINEER, KSEB, TRIVANDRUM TO PETITIONER.

EXT.P.13: COPY OF THE LETTER DTD. 30/06/2007 SUBMITTED BY PETITIONER BEFORE DEPUTY CHIEF ENGINEER, KSEB, TRIVANDRUM.

RESPONDENT'S EXHIBITS:

EXT.R1.A: COPY OF THE REPORT, DTD. 15/11/2007.

EXT.R1.B: COPY OF THE TERMS OF SETTLEMENT DTD. 15/11/2007.

//TRUE COPY//

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.3633 of 2007-G

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Dated this the 25th day of October, 2007.

O R D E R

1. The dispute between the petitioner and the Electricity Board is as to the exact location where the metering equipments and other allied instruments have to be placed in a unit of the petitioner. The controversy lies in a very narrow compass. The petitioner has made certain installations. All that the Board needs is to ensure that the Board, including its inspecting officials, have unhindered access whenever they want to the metering equipments and that those equipments are properly placed under safe custody in such a manner that the petitioner would not be able to abuse them.

2. Having considered the pleadings in the writ petition and

in the counter affidavit and having perused Circular dated 29-4-2006 relied on by the respondents in the counter affidavit and having regard to Regulation 11 of the Terms and Conditions of Supply, the issue has to be finally decided without impairing the rights of the petitioner, as also by ensuring that the requirements of the Board as a licensee in Terms and Conditions of Supply, the Regulations and the Circular are obtained. There is no dispute that the petitioner can have an indoor installation of the metering equipments. The question is only as to how that could be protected in terms of the law.

3. In the aforesaid circumstances, the Chief Engineer (Distribution) of the Electricity Board having jurisdiction over the area will conduct an inspection of the site in the presence of an authorized representative of the petitioner and appropriate officers of the Board and take a decision as to viable solutions for the issue in hand. He shall specifically consider as to whether the present installation is

proper, to which the Board could agree, subject to any requirements that may be insisted to ensure appropriate enclosing of the equipments to protect them and also such measures that would make the metering equipments easily accessible for the Board officials.

4. A decision as aforesaid will be taken and placed before this Court within an outer limit of three weeks from now.

5. Post on 19-11-2007.

Hand over copy of this order to both sides.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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